

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

**MARSHALL DIVISION**

**DATE:** 9/17/08

**JUDGE**  
JOHN LOVE

**REPORTER:** Shea Sloan  
**LAW CLERK:** Jennifer Hannah

<b>LINEX TECHNOLOGIES, INC.</b> <b>Plaintiff</b>  <b>vs.</b>  <b>BELKIN INTERNATIONAL, INC., ET AL</b> <b>Defendant</b>	<b>CIVIL ACTION NO:</b> 2:07CV222  <b>MOTION HEARING</b> <b>(DKT # 214)</b>
<b>ATTORNEY FOR PLAINTIFF</b>	<b>ATTORNEY FOR DEFENDANT</b>
Edward Goldstein Joe Garodnick Steve Abbott Corby Vowell Robert Mattson Bill Cornelius Johnny Ward	Daniel Conrad Garrett Chambers Sam Baxter Brian Range Andy Stinson Darren Mareiniss Eric Findlay Trey Yarbrough Irfan Lateef Cheryl Burgess Melvin Wilcox

On this day, came the parties by their attorneys and the following proceedings were had:

**OPEN:** 9:37 am

**ADJOURN:** 10:52 am

<b>TIME:</b>	<b>MINUTES:</b>
9:37 am	Case called. Mr. Goldstein, Mr. Garodnick, Mr. Abbott, Mr. Vowell, Mr. Mattson, Mr. Cornelius and Mr. Ward announced ready on behalf of the plaintiffs. Mr. Conrad, Mr. Chambers, Mr. Baxter, Mr. Range, Mr. Stinson, Mr. Mareiniss, Mr. Findlay, Mr. Yarbrough, Mr. Lateef, Mr. Burgess and Mr. Wilcox.
9:39 am	The Court greeted the parties and stated we are here on Defendants Motion to Strike and or Motion to Compel #214. The Court asked the defendants to take up their Motions. The Court urged parties to get to the points. He has already read all papers.

**DAVID J. MALAND, CLERK**

**FILED:** 9/16/08

BY: *Mechelen Morris*, Courtroom Deputy

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TIME:	MINUTES:
9:40 am	Mr. Burke began argument on behalf of the defendants on Motion #214. He went into discussion specifically on Local Patent Rule 3-1. He presents Cisco's router to the Court for review. He discussed what Linex has provided to them a generic claim chart which they believe is intended to cover the accused products. He says that Linex failed to provide contentions on a product by product basis as required. Further, they say Linex has not provided analysis on how it contends those claims read on the Accused Products which use a different digital modulation method, "OFDM", nor provided contentions regarding joint or indirect infringement, and also failed to identify claims that it asserts contain means plus function elements and identify structures in the Accused Products that allegedly perform the claimed function.
10:00 am	Mr. Vowell began argument on behalf of the plaintiff on their Motion #214. He discussed that Linex has satisfied its P.R. 3-1 obligations and has agreed to amend. He further discussed that Linex's PIC's provide identification of where each element of each asserted claim is found within the Accused Products. Last, that Linex has agreed to amend its PIC's with non-public information. He says that Linex did not ignore its obligations with respect to P.R. 3-1, but proceeded with the best information publicly available, the 802.11n standard. He discussed what they are seeking in discovery. He further discussed the Mamo technology and how it works.
10:18 am	Mr. Burke replied to plaintiff's response to their Motion #214. He says that Linex's infringement contentions are clearly insufficient and their actions have prejudiced defendants. Mr. Burke gave examples of how the charts failed to delineate information regarding specifically accused products (claim #25).
10:26 am	Mr. Vowell discussed the BELKIN product, how the router works and the standards.
10:30 am	Mr. Vowell responded to Mr. Burke's explanations of claim infringements.
10:32 am	Mr. Vowell further responded.
10:33 am	Mr. Burke further responded. He further discussed claim #33 on the chart and how it failed to delineate information regarding specifically accused products.
10:36 am	Mr. Vowell further responded and discussed the spread spectrum.
10:38 am	Mr. Burke discussed Broadcom chip sheet and product circular and the system diagram. He says plaintiff's words change throughout their claim. He further discussed OFDM, as well as Mamo.
10:44 am	Mr. Vowell further responded.
10:45 am	Mr. Burke further discussed spread spectrum and the OFDM. He discussed the parties swapping their claim terms.
10:47 am	The Court stated we are going forward with the scheduled Markman hearing.
10:47 am	Mr. Vowell further discussed the claim construction and spread spectrum and the standard. He stated they have provided enough information.
10:48 am	Mr. Range further discussed the 802.11 and Mamo. He discussed what they need to know regarding contentions.
10:50 am	Mr. Vowell responded about the Mamo technology and the products.

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TIME:	MINUTES:
10:51 am	The Court will take arguments under advisement and make ruling very soon. He will look at the deadlines and may move some around, but will not move the Markman. We need to move forward and moved along.
10:52 am	There being nothing further, Court is adjourned.